

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>1/3/07</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X

ANGEL M. HAYES,

:

**ORDER FOR INITIAL
PRETRIAL CONFERENCE**

Plaintiff,

:

06 Civ. 7052 (SAS)

:

- against -

:

COMMISSIONER JO ANNE BARNHART,

:

Defendant.

----- X

SHIRA A. SCHEINDLIN, U.S.D.J.:

This case has been designated an electronic case and has been assigned to me for all purposes. By the date of the initial pretrial conference counsel for all parties are required to register as filing users in accordance with the Procedures for Electronic Case Filing.

Counsel are directed to appear at the United States Courthouse, 500 Pearl Street, New York, Courtroom 15C, on January 24, 2007, at 4:30 p.m., for an initial pretrial conference. Pursuant to Rule 16, Fed. R. Civ. P., as amended on August 1, 1983, the Court will enter an order at this conference that limits the time: (1) to join other parties and to amend the pleadings; (2) to file and hear motions; (3) to set a discovery schedule including the completion of discovery; (4) to set a trial date and (5) to discuss settlement. Counsel who attend the conference must be prepared to discuss these issues. Counsel are referred to amended Rule 16 for a list of further matters which may be discussed at that time.

Pursuant to amended Rule 16(f) the parties shall meet, prior to the date of the conference, to discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement and to develop a proposed discovery plan. The parties should prepare and submit at the conference a proposed scheduling order on the form attached hereto. **YOU MUST BRING A COMPLETED SCHEDULING ORDER WITH YOU TO THE CONFERENCE!**

If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination

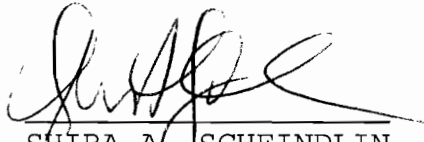
is delivered before the date of the conference to the courtroom deputy clerk to chambers of Judge Scheindlin, Room 1620, U.S. Courthouse, 500 Pearl Street, New York, New York 10007. If plaintiff's counsel intends to move for a default judgment, the Court should be advised prior to the initial pretrial conference date.

COUNSEL FOR PLAINTIFF(S) ARE DIRECTED TO IMMEDIATELY NOTIFY ALL ATTORNEYS IN THIS ACTION BY SERVING UPON EACH OF THEM A COPY OF THIS ORDER. If issue has not been joined but plaintiff's counsel is aware of the identity of defendant's counsel, plaintiff's counsel is directed to mail a copy of this Order to defendant's counsel forthwith. If at the time of the scheduled pretrial conference plaintiff has not yet served the complaint, please advise the Court by letter as to the reason(s) service has not been made. If at the time of the scheduled pretrial conference there has been no answer/appearance on behalf of defendant, please advise the court. **YOU MUST APPEAR AT THIS CONFERENCE EVEN IF YOU ARE UNAWARE OF THE IDENTITY OF THE DEFENSE COUNSEL.**

Attorneys are directed to consult the Judge's Individual Rules with respect to adjournments, motion practice, communications with chambers and other relevant matters.

Counsel are advised that failure to comply with the terms of this Order may result in dismissal of the action with prejudice, or the entry of judgment by default.

SO ORDERED:


SHIRA A. SCHEINDLIN
U.S.D.J.

Dated: New York, New York
January 3, 2007

- Appearances -

For Plaintiff:

Daniel L. Alterman, Esq.
Alterman & Boop, LLP
35 Worth Street
New York, New York 10013
(212) 226-2800

For Defendant:

Sean Cenawood
Assistant United States
Attorney
86 Chambers Street, 5th Floor
New York, New York 10007
(212) 637-2200